

Notice of Allowability

Application No.

09/509,165

Applicant(s)

GRAY ET AL.

Examiner

Art Unit

Bao Qun Li

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on February 17, 2005.
2. ☒ The allowed claim(s) is/are 26,30,31,38,39 and 47-49.
3. ☒ The drawings filed on 22 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the: .
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 04/30/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Bao Qun Li

EXAMINER'S AMENDMENT

The amendment filed on 02/17/2005 has been acknowledged and entered. Claims 42-46 and claims 50-54 have been canceled. Claims 26, 30-31, 38-39, 47-49 are pending.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neville Katherine on April 30, 2005.

The application has been amended as follows:

Claim 26 (current amended). In line 6 after "antagonist", please delete "compound"; in line 7 after "antibody", please replace the "substance" with --- or antigen-binding fragment thereof ---; in line 7 after "binds to a", please replace "vertebrate" with "mammalian"

Claim 30 (current amended). In line 1, please replace the first letter "A" with --- The ---. In line 2 after "antagonist", please delete "compound". In line 3 after "binds" delete "a vertebrate" and insert --- to a mammalian ---. In line 4 after "binds" delete "a vertebrate" and insert --- to a mammalian ---. In line 5 after "an anti-MDC antibody", please insert --- of (a) ---

Claim 31 (current amended). In line 1, please replace "A" with --- The --- In line 2, please replace the "substance" with --- or antigen-binding fragment thereof ---

Claim 38 (current amended). In line 2 after "antagonist", please delete "compound"

Claim 39 (current amended). In line 2, please delete "compound". In line 2 after "binds", please delete "a vertebrate" and insert --- to a mammalian ---. In line 3 after "an anti-MDC antibody", please insert --- of claim 26 ---

Claim 48 (current amended). In line 2 after "antagonist", please delete "compound" and insert --- an antigen-binding fragment thereof ---

Claim 49 (current amended). In line 2 after "antagonist", please delete "compound"

Claims 26, 30, 31, 38-39, 47-49 are allowed.

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2. The following is an examiner's statement of reasons for allowance: Applicants use proper in vitro and in vivo models to discover that an monoclonal antibody of human MDC is able to inhibit the MDC-induced chemotactic effect in vitro and administration of a neutralizing MDC antibody into an antigen-induced asthma model is able to reduce the allergic response as shown by reducing the eosinophile and/or neutrophils accumulations in the lavage fluid and peripheral blood in vivo. The eosinophils and neutrophils are the important and essential cells that mediate the allergic reaction in asthma. No prior art teaches or suggests using an antibody against a mammalian MDC to reduce the symptom of an allergic reaction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bao Qun Li
05/01/2005

James Housel, SPE
Art Unit 1648


JAMES HOUSEL 5/2/05
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